

DOUGLAS T. SLOAN, City Attorney
CITY OF FRESNO

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Attorneys for the CITY OF FRESNO

RE:

**POLICE DEPARTMENT
RECORDS REGARDING
USE OF FORCE AND ARRESTS**

**RESPONSE TO PUBLIC RECORDS
ACT REQUEST FOR DOCUMENTS
(Gov. Code, § 6250, et seq.)**

The City of Fresno (City) incorporates by reference an earlier response submitted to Samuel Sinyangwe on February 28, 2019. The City responds to these requests pursuant to the California Public Records Act (Gov. Code, § 6250, et seq.) by Samuel Sinyangwe via MuckRock News, regarding **police department records pertaining to the City's use of force and arrest data**, as follows:

Request No. 1 – The total number of police uses of force in 2018, broken down by type of force used (i.e. number of uses of Tasers, number of uses of baton, etc.): The City objects to this request to the extent the City does not currently maintain its records in a manner that would compile the information requested. (*Haynie v. Superior Court* (2001) 26 Cal.4th 1061.) Without waiving this objection, the City provides the following links to records responsive to this request that are maintained on the City's website:

<https://www.fresno.gov/police/records-reports/> (Reportable Response to Resistance Project);
(Annual Reports)
<https://www.fresno.gov/police/wp-content/uploads/sites/5/2018/05/2018-1QTR-UOF.pdf>
<https://www.fresno.gov/police/wp-content/uploads/sites/5/2018/08/2018-2Q-UOF-SIGNED.pdf>
<https://www.fresno.gov/police/wp-content/uploads/sites/5/2018/11/2018-3Q-UOF-SIGNED.pdf>

1 [https://www.fresno.gov/police/wp-content/uploads/sites/5/2019/02/2018-Final-Mayor-UOF-](https://www.fresno.gov/police/wp-content/uploads/sites/5/2019/02/2018-Final-Mayor-UOF-SIGNED.pdf)
2 [SIGNED.pdf](https://www.fresno.gov/police/wp-content/uploads/sites/5/2019/02/2018-Final-Mayor-UOF-SIGNED.pdf)

3 **Request No. 2 – The total number of use of force complaints reported by civilians in**
4 **2018:** The City objects to this request to the extent the City does not currently maintain its records
5 in a manner that would compile the information requested. (*Haynie v. Superior Court* (2001) 26
6 Cal.4th 1061.) Without waiving this objection, the City provides the following links to records
7 responsive to this request that are maintained on the City's website:

8 <https://www.fresno.gov/police/records-reports/> (Reportable Response to Resistance Project);
9 (Annual Reports)

10 <https://www.fresno.gov/police/wp-content/uploads/sites/5/2018/05/2018-1QTR-UOF.pdf>

11 <https://www.fresno.gov/police/wp-content/uploads/sites/5/2018/08/2018-2Q-UOF-SIGNED.pdf>

12 <https://www.fresno.gov/police/wp-content/uploads/sites/5/2018/11/2018-3Q-UOF-SIGNED.pdf>

13 [https://www.fresno.gov/police/wp-content/uploads/sites/5/2019/02/2018-Final-Mayor-UOF-](https://www.fresno.gov/police/wp-content/uploads/sites/5/2019/02/2018-Final-Mayor-UOF-SIGNED.pdf)
14 [SIGNED.pdf](https://www.fresno.gov/police/wp-content/uploads/sites/5/2019/02/2018-Final-Mayor-UOF-SIGNED.pdf)

15 **Request No. 3 – The total number of use of force complaints reported by civilians that**
16 **were sustained in 2018:** The City objects to this request to the extent the City does not currently
17 maintain its records in a manner that would compile the information requested. (*Haynie v. Superior*
18 *Court* (2001) 26 Cal.4th 1061.) Without waiving this objection, the City provides the following
19 links to records responsive to this request that are maintained on the City's website:

20 <https://www.fresno.gov/police/records-reports/> (Reportable Response to Resistance Project);
21 (Annual Reports)

22 <https://www.fresno.gov/police/wp-content/uploads/sites/5/2018/05/2018-1QTR-UOF.pdf>

23 <https://www.fresno.gov/police/wp-content/uploads/sites/5/2018/08/2018-2Q-UOF-SIGNED.pdf>

24 <https://www.fresno.gov/police/wp-content/uploads/sites/5/2018/11/2018-3Q-UOF-SIGNED.pdf>

25 [https://www.fresno.gov/police/wp-content/uploads/sites/5/2019/02/2018-Final-Mayor-UOF-](https://www.fresno.gov/police/wp-content/uploads/sites/5/2019/02/2018-Final-Mayor-UOF-SIGNED.pdf)
26 [SIGNED.pdf](https://www.fresno.gov/police/wp-content/uploads/sites/5/2019/02/2018-Final-Mayor-UOF-SIGNED.pdf)

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1 **Request No. 4 – All arrests data reported to the California Department of Justice via**
2 **the Monthly Arrests and Citation Register program covering arrests made in 2017 and 2018,**
3 **including (but not limited to) the age, race/ethnicity, gender, offense category (felony,**
4 **misdemeanor, status offense), charge and disposition of arrestees:** The City objects to this
5 request to the extent the City does not currently maintain its records in a manner that would compile
6 the information requested. (*Haynie v. Superior Court* (2001) 26 Cal.4th 1061.) Without waiving this
7 objection, the City produces the following records attached as Exhibit A. You can locate additional
8 responsive records on the City's website at the following link:

9 <https://www.fresno.gov/police/records-reports/> (Monthly Crime Statistics); (Annual Reports);
10 (Reportable Response to Resistance Project)

11 DATED: August 23, 2019.

Respectfully submitted,

DOUGLAS T. SLOAN

City Attorney

By: 

FRANCINE M. KANNE

Chief Assistant City Attorney

Attorneys for CITY OF FRESNO

16 FMK:rm[91807rm/fmk]

PROOF OF SERVICE
CCP §§ 1011, 1013, 1013a, 2015.5
FRCP 5(b)

STATE OF CALIFORNIA, COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over the age of 18 and not a party to the within action; my business address is 2600 Fresno Street, Fresno, CA 93721-3602.

On August 23, 2019, I served the document described as **RESPONSE TO PUBLIC RECORDS ACT REQUEST FOR DOCUMENTS** on the interested parties in this action ☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list: ☒ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

Samuel Sinyangwe
MuckRock News
DEPT MR 77438
411A Highland Ave
Somerville, MA 02144-2516
Email: 77438-78161560@requests.muckrock.com

☐ BY MAIL ☐ I deposited such envelope in the mail at Fresno, California. The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY PERSONAL SERVICE) I caused such envelope to be hand delivered.

☐ (BY FAX) I caused the above-referenced document to be transmitted by fax to the addressee(s) at the fax number(s) shown.

☐ (BY OVERNIGHT COURIER) I caused the above-referenced envelope(s) to be delivered to an overnight courier service for delivery to the addressee(s).

☒ (BY ELECTRONIC MAIL) I caused the above-referenced document to be transmitted by electronic mail (e-mail) to the addressee(s) at the e-mail(s) shown.

Executed on August 23, 2019, at Fresno, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Lorrie Mullins